

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CRIMINAL DOCKET FOR CASE #: 5:19-mj-01587-RN-1
Internal Use Only**

Case title: USA v. Heath

Date Filed: 05/16/2019

Assigned to: Magistrate Judge Robert
T. Numbers, II

Defendant (1)

Daniel Franklin Heath

represented by **Stephen C. Gordon**
Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, NC 27601-2919
(919)856-4236
Fax: 856-4477
Email: stephen_gordon@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:2422.F




Disposition



Plaintiff


USA

represented by **Chad Rhodes**
LEAD ATTORNEY

ATTORNEY TO BE NOTICED*Designation: Assistant US Attorney*

Date Filed	#	Select all / clear	Docket Text
05/15/2019	 1	<input type="checkbox"/>	Arrest (Rule 5) of Daniel Franklin Heath. (Gessner, M.) (Additional attachment(s) added on 5/16/2019: # 1 warrant) (Gessner, M.). (Entered: 05/16/2019)
05/16/2019			Set Hearing as to Daniel Franklin Heath: Initial Appearance - Rule 40 set for 5/16/2019 at 02:00 PM in Raleigh - 5th Floor Courtroom before Magistrate Judge Robert T. Numbers II. (Gessner, M.) (Entered: 05/16/2019)
05/16/2019	 2	<input type="checkbox"/>	CJA 23 Financial Affidavit by Daniel Franklin Heath. (Gessner, M.) (Entered: 05/16/2019)
05/16/2019	3	<input type="checkbox"/>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Daniel Franklin Heath. Signed by Magistrate Judge Robert T. Numbers, II on 5/16/2019. (Gessner, M.) (Entered: 05/16/2019)
05/16/2019			ORAL MOTION for Detention filed by USA as to Daniel Franklin Heath. (Gessner, M.) (Entered: 05/16/2019)
05/16/2019	 4	<input type="checkbox"/>	Minute Entry for proceedings held before Magistrate Judge Robert T. Numbers, II: Initial Appearance as to Daniel Franklin Heath held on 5/16/2019. Assistant US Attorney present for Government. Defendant requests appointed counsel. Federal Public Defender appointed. Defendant advised of rights, charges, and maximum penalties. Government moves for detention. Defendant remanded to the custody of the US Marshal. (Court Reporter - FTR) (Gessner, M.) (Entered: 05/16/2019)
05/16/2019	5	<input type="checkbox"/>	ORDER OF TEMPORARY DETENTION as to Daniel Franklin Heath Detention and Probable Cause Hearing set for 5/23/2019 at 10:30 AM in Raleigh - 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge Robert T. Numbers, II on 5/23/2019. (Gessner, M.) (Entered: 05/16/2019)
05/16/2019			Set Hearings as to Daniel Franklin Heath: Preliminary Examination set for 5/23/2019 at 10:30 AM in Raleigh - 6th Floor Courtroom before Magistrate Judge James E. Gates. (Gessner, M.) (Entered: 05/16/2019)
05/17/2019	6	<input type="checkbox"/>	Notice of Attorney Appearance: Stephen C. Gordon appearing for Daniel Franklin Heath . (Gordon, Stephen) (Entered: 05/17/2019)

			05/17/2019)
05/21/2019			Reset Hearings as to Daniel Franklin Heath: Preliminary and Detention Hearings reset for 5/23/2019 at 01:30 PM in Raleigh - 6th Floor Courtroom before Magistrate Judge James E. Gates. PLEASE NOTE CHANGE IN HEARING TIME. (Horton, B.) (Entered: 05/21/2019)
05/21/2019	 7	<input type="checkbox"/>	Pretrial Services Report filed by Wiggins as to Daniel Franklin Heath. (Prather, Ryan) (Entered: 05/21/2019)
05/23/2019	 8	<input type="checkbox"/>	Minute Entry for proceedings held before Magistrate Judge James E. Gates in Raleigh. Docket Call as to Daniel Franklin Heath held on 5/23/2019. Assistant U.S. Attorney present for government. Defendant present with counsel. Defendant moves to continue his detention hearing. The court allows defendants motion to continue. The Court finds that any delay resulting from this continuance of this matter shall be excluded from the Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(7)(A) for the reason that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. Detention Hearing set for 6/4/2019 at 10:00 AM in Raleigh - 5th Floor Courtroom before Magistrate Judge Robert T. Numbers II. Defendant waives his Rule 5 Identity Hearing. The Court finds that the defendant knowingly and voluntarily provides his Waiver of Rule 5 Hearing. The court accepts defendants waiver. The court finds that the defendant is in fact the subject named in the indictment issued in the Eastern District of Texas. Defendant remanded to the custody of the U.S. Marshal. (Court Reporter - FTR) (Horton, B.) (Entered: 05/23/2019)
05/23/2019	9	<input type="checkbox"/>	Waiver of Rule 5(c)(3) Hearing by Daniel Franklin Heath. (Horton, B.) (Entered: 05/23/2019)
05/23/2019			ORAL MOTION to Continue filed by Daniel Franklin Heath. (Horton, B.) (Entered: 05/23/2019)
05/23/2019			ORAL ORDER granting Oral Motion to Continue as to Daniel Franklin Heath (1). Entered by Magistrate Judge James E. Gates on 5/23/2019. (Horton, B.) (Entered: 05/23/2019)
06/04/2019			ORAL ORDER granting Oral Motion for Detention Pending Trial as to Daniel Franklin Heath (1). Signed by Magistrate Judge Robert T. Numbers, II on 6/4/2019. (Gessner, M.) (Entered: 06/04/2019)
06/04/2019	10	<input type="checkbox"/>	Waiver of Rule 5(c)(3) Hearing by Daniel Franklin Heath as it pertains to detention hearing. Identity hearing previously waived. Defendant to be returned to EDTX. (Gessner, M.) (Gessner, M.). (Entered: 06/04/2019)

06/04/2019	11	<input type="checkbox"/>	COMMITMENT TO ANOTHER DISTRICT as to Daniel Franklin Heath. Defendant committed to District of EDTX. Copy to USMS.Signed by Magistrate Judge Robert T. Numbers, II on 6/4/2019. (Gessner, M.) (Gessner, M.). (Entered: 06/04/2019)
06/04/2019	 12	<input type="checkbox"/>	Minute Entry for proceedings held before Magistrate Judge Robert T. Numbers, II:Detention Hearing as to Daniel Franklin Heath held on 6/4/2019. Assistant US Attorney present for Government. Defendant present with counsel. Defendant waives detention hearing (identity hearing previously waived) and wishes to have all further proceedings in the charging district. Waiver form executed. Defendant remanded to the custody of the US Marshal and ordered transferred to the District of EDTX. (Court Reporter - FTR) (Gessner, M.) (Entered: 06/04/2019)

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UNITED STATES DISTRICT COURT

for the
Eastern District of North Carolina

United States of America

v.

Daniel Franklin Heath

Defendant

Case No. 5:19-MJ-1587-RN

Charging District's Case No. 4:19CR116

FILED IN OPEN COURT
ON 6-4-19 *me*
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* Eastern District of Texas

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☒ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 06-04-19

[Signature]

Defendant's signature

[Signature]

Signature of defendant's attorney

Stephen C. Gordon

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Daniel Franklin Heath

Defendant

Case No. 5:19-MJ-1587-RN

Charging District's

Case No. 4:19CR116

FILED IN OPEN COURT
ON 6-4-19
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the EASTERN District of TEXAS,
(if applicable) _____ division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 6-4-19

Robert T. Numbers II

Judge's signature

ROBERT T. NUMBERS, II, U.S. MAGISTRATE JUDGE

Printed name and title